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September 12, 2017

Via e-mail: [Chang-Vaughan.Ellen@epa.gov](mailto:Chang-Vaughan.Ellen@epa.gov)

Ellen Chang-Vaughan  
Assistant Regional Counsel  
U.S. EPA, Region 6  
Office of Regional Counsel (6RC-EW) 8174  
1445 Ross Avenue  
Dallas, Texas 75202

RE: Bird Creek Salinity Issues  
Warren American Oil Company, LLC  
Docket Number: SDWA-06-2017-1111

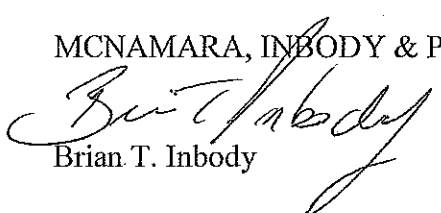
Dear Ms. Chang-Vaughan:

As part of Warren American's continuing investigation into the possible causes of elevated salinity levels in a tributary of upper Bird Creek, we request that you provide certain information for review by our clients and consultants. The list of requested information accompanies this letter as Exhibit "A".

Also, subject to landowner consent, please be advised that Warren American Oil Company intends to collect several samples from the impacted areas (probably at MS2 and MS6) commencing on Monday, September 18, 2017 at 10:00 a.m., and each Monday at 10:00 a.m. thereafter, until our investigation is complete.

Sincerely,

MCNAMARA, INBODY & PARRISH, PLLC

  
Brian T. Inbody

BTI:ck

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## EXHIBIT "A"

### Request for Data and Information Warren American Oil Company, LLC

1. Dates, times and measurement values, and analyses results of any and all fluid (water, oil, emulsions, etc.), soil, or plant properties obtained or observed from direct field measurement (including but not limited to in situ temperature, density, TDS content, salinity, etc.) and/or subsequent laboratory analyses (including but not limited to any and all compositional analyses) obtained from the vicinity of North Bird Creek and/or tributaries of North Bird Creek deemed relevant to the EPA's Notice of Proposed Administrative Order of August 4, 2017 issued to Warren American for violation of the Safe Drinking Water Act (SWDA), Docket Number SWDA-0602017-1111.

2. The data in #1 above, obtained either directly or by the EPA or indirectly through another source, including but not limited to a governmental agency such as the Bureau of Indian Affairs ("BIA"), or through private third party contractor, or an offset oil and gas operator.

3. The data in #1 and #2 above, obtained either prior to, near, or after the EPA's August 16, 2016 initial observation of "... contamination in a tributary of North Bird Creek. . ." but deemed pertinent by the EPA pursuant to the subject Proposed Administrative Order.

4. Corresponding to the data in #1, #2, and #3 above, a brief description of how any physical specimen samples were obtained, measurements taken, etc., accompanied by a brief description of the devices, instrumentation, etc. involved in such sampling and measurement.

5. Corresponding to the data in #1, #2, and #3 above, a brief description of the sampling site location and conditions. For example, when the EPA took salinity and temperature measurements at specific confined pools along the North Bird Creek tributary, what was the actual time of day, ambient air temperature, and the specific aerial location (latitude and longitude, etc.) within the pool were the measurements made? For a given aerial location, at what vertical depth below the surface of the pool were the measurements made? What was the total depth of the pool where the measurements made? What are the estimates of the dimensions of, and hence the contained volume within, each given pool from which measurements were obtained?

6. All data from the 10 monitoring stations, both raw data and any interpretations thereof (including but not limited to charts, graphs, tables, etc.).

7. All offset Operator Cumulative Production/Injection (Oil, Gas, Water Production and Water Injection) values by Lease and, if available, by Well; all historic (through current) Monthly Production/Injection (Oil, Gas, Water Production, Water Injection Rates & Pressures) values by Lease and, if available, by Well; all available Fluid level and bottom hole pressure survey data.

8. What did the BIA find after its initial evaluation of the area on and immediately after 8/16/2016? Were there any surface indications of a flow leak? How far downstream did the saltwater extend on or about mid-August and 8/31/2016? When did the second "hot spot" occur (date)?

9. Results from the EPA measuring the near surface conductivity to locate a sub-surface saltwater plume, and any resultant interpretations thereof, including but not limited to, any maps, graphs, charts, etc.

10. Data, interpretations thereof, and the methodology description supporting the EPA's hypothesis that the subject Mississippi Chat reservoir is currently over-pressured.

11. Data to support the EPA's hypothesis that Warren American's B7, B8, and/or B9 wells could cause or contribute to a "pressure build-up" within the *Mississippi* Chat formation sufficient for fluid to migrate to the surface.

12. Data to support the EPA's hypothesis that Warren American's B7, B8 or B9 wells were the source of the discharges or the pollutants that the EPA allegedly observed.

13. Data which would support that the alleged discharges and alleged patterns of TDS and temperature readings that the EPA allegedly observed were caused by the acts of third parties for which Warren American is not responsible and/or other causes for which Warren American is not responsible.

14. Data to support how many pounds of reservoir pressure are needed to lift Mississippi Chat formation water to the surface at Latitude 36.8322N and Longitude 96.4784W.

15. Any data produced by the EPA to Jireh Resources, LLC or Greyhorse, in SWDA-06-2017-1110 or SWDA-06-2017-1112.